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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,252	06/25/2003	Stuart Gerson	MISS-103.2(C)	4494

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EXAMINER

CHAN, KO HUNG

ART UNIT PAPER NUMBER

3632

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,252

Applicant(s)

GERSON, STUART

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Objections

Claim 20 is objected to because of the following informalities: Regarding claim 20, line 6, "tripping" is misspelled and should "gripping". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 20, and 22-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zoroufy (US patent no. 5,318,174) in view of Salrin et al (US patent no. 5,152,404) and Holt (US patent no. 2,483,051). Zoroufy'174 discloses a rug clip for suspending a rug (Col. 2, line 65) having a channel-shaped bracket (114) with top portion and front leg and rear leg extending perpendicularly therefrom and a clip mechanism of the cam action type having an inner jaw (92, figure 6) extending from the front leg and outer jaw (80) pivotally attached to the front leg and a cam arm (106) pivotally attached to the front leg to bias the inner and outer jaws into engagement with one another. Furthermore, Zoroufy disclose that the rod 22 to which the channel-shaped bracket is mounted on can be rectangular bar (col. 3, lines 28-30). However, Zoroufy does not show a non-slip material on the undersurface of the channel bracket. Salrin teaches mounting rug display brackets (28) having top portion (13) and perpendicularly legs (22 and 24) to compliment the rectangular bar to which the bracket

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is mounted on. Salrin also provides protective cap on a leg (45) made of rubber or plastic attached to the channel bracket which engages the bar to “prevent scuffing or scratching of interacting surfaces” (Col, 5, lines 50-55).

Holt’051 teaches mounting articles upon a door wherein the mounting bracket comprises a channel-shaped bracket (16, figure 3) with a top portion, front and rear legs extending generally perpendicularly there from of providing non-slip material on the bottom surface of the top portion as well as the front and rear legs to prevent marring. It would have been obvious to one of ordinary skill in the art to modify the channel-shaped bracket of Zoroufy such that it is adapted for mounting onto a rectangular cross-sectioned member as demonstrated by Salrin for stable mounting onto a rectangular member and to provide non-slip material on the bottom surface of the channel bracket to preventing marring or scuffing or scratching of the interacting surfaces as taught to be desirable by Holt and also preferred by Salrin.

Salrin also teaches the non-slip material is made of rubber. It would have been obvious to one of ordinary skill in the art to have modify the rug clip assembly of Zoroufy, Salrin, and Holt combined such that the non-slip material is made of rubber as taught by Salrin as such is old and well-known in the art.

Further, it would have been an obvious matter of mechanical expedient to mount the non-slip material via the convention means of adhesive as such is old and well-known. Further, it would have been an obvious matter of design choice to have the non-slip material to be of natural rubber, butyl, EPDM, hypalon, neoprene, and nitrile

and to provide a clip of stainless steel or galvanized plain steel as such materials for non-slip material and clips are notoriously old and well-known in the art.

Claim 21 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Zoroufy (US patent no. 5,318,174) in view of Salrin et al (US patent no. 5,152,404) and Holt (US patent no. 2,483,051) as applied to claim 19 above and further in view of either Cloughton (US patent no. 6,481,585) or Peacock (US patent no. 2,626,713). Zoroufy'174, Salrin, and Holt combined demonstrated all the structural features of applicant's invention except for the spring type clip. Such spring clip is old and well-known. Peacock'713 teaches a metal clip comprising a channel-shaped bracket (2, figure 2) with a top portion, front and rear legs extending generally perpendicularly there from (fig. 5) and a clip mechanism including two opposing jaws (8 and 10) pivotally secured to each other and biased by a coil spring (12). Cloughton also teaches a spring type of clip (11 and 13). It would have been obvious to one of ordinary skill in the art to substitute the clip of Zoroufy, Salrin, and Holt combined such it is of a spring type clip as taught by either Peacock or Cloughton. Such modification would have involved substituting one well-known type of clip for another.

Response to Arguments

Applicant's arguments filed 7/15/2004 have been fully considered but they are not persuasive. Applicant's argument that the non-slip material of Salrin is non-sliding is not persuasive. Salrin does teach having a mounting bracket mounted on a rectangular bar of a display structure where a rubber protective device (45) is provided on the mounting bracket to prevent marring and to lock the mounting bracket in place on the

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display structure. Holt teaches providing such protective device underneath the channel bracket. The application of various well-known mounting hardware mounted onto various well-known display fixture is old and well-known. It is well-known that hooks can be mounted onto bars, panels, doors, windows, etc... as demonstrated by the art of record. Such application is a mere function of the existence of the type of display fixture available at the time of use. To place Zoroufy's old and well-known rug clip bracket onto the panel display fixtures of Salrin would have been obvious. And to further provide a non-slip material to the channel mounting bracket where marring and scratching of the interacting surfaces are of concern would have been obvious as taught by Holt. The rubber non-slip material would have inherently have the function of preventing sliding as well. Again, such provision of non-slip material does not provide unexpected results.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The notice of references cited (PTO 892) is a mere copy from the parent application 09/982,360.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the


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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Mondays and Tuesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Korie H. Chan
Primary Examiner
Art Unit 3632

Khc
September 27, 2004